

6 PCT/PTO 09 SEP 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Sanford Reich et al.
Serial No. : 10/500,281 (PCT/US03/00094)
Filed : June 28, 2004 (2 January 2003)
For : CSF PHYSIOLOGIC CONTROLLER
Examiner : Not yet assigned
Art Unit : Not yet assigned
Attorney :
Docket No. : 642P003-US

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X
X

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop: PCT

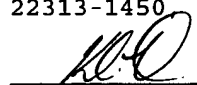
Sir: RESPONSE TO NOTICE OF MISSING REQUIREMENTS


As noted in the Transmittal Letter filed with the above identified application, no Declaration of the inventors were transmitted therewith. Applicants have been awaiting the customary "Notification: Missing Requirements Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495", but it has not been received. To guard against the possibility that it was sent by the PTO but not received by applicant, there are filed herewith the following items:

1. The relevant surcharges for filing the executed Declaration and English translation late have already been paid. A copy of the letter of Transmittal filed on June 28, 2004 enclosing the relevant surcharge is attached hereto.
2. A properly signed Declaration of the Applicants for DO/EO/US and Power of Attorney (4-Pages).

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account 14-0930.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 7, 2004.


Signature: Kevin S. Lemack
Date: September 7, 2004


Respectfully submitted,

Kevin S. Lemack
Attorney for Applicants
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/500,281
		Filing Date	June 28, 2004
		First Named Inventor	Sanford Reich
		Art Unit	Not yet assigned
		Examiner Name	Not yet assigned
Total Number of Pages in This Submission	8	Attorney Docket Number	642P003-US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/>	Fee Transmittal Form	<input type="checkbox"/>
<input type="checkbox"/>	Fee Attached	<input type="checkbox"/>
<input type="checkbox"/>	Amendment/Reply	<input type="checkbox"/>
<input type="checkbox"/>	After Final	<input type="checkbox"/>
<input type="checkbox"/>	Affidavits/declaration(s)	<input type="checkbox"/>
<input type="checkbox"/>	Extension of Time Request	<input type="checkbox"/>
<input type="checkbox"/>	Express Abandonment Request	<input type="checkbox"/>
<input type="checkbox"/>	Information Disclosure Statement	<input type="checkbox"/>
<input type="checkbox"/>	Certified Copy of Priority Document(s)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Response to Missing Parts/ Incomplete Application	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/>
<input type="checkbox"/>	Drawing(s)	<input type="checkbox"/>
<input type="checkbox"/>	Licensing-related Papers	<input type="checkbox"/>
<input type="checkbox"/>	Petition	<input type="checkbox"/>
<input type="checkbox"/>	Petition to Convert to a Provisional Application	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/>
<input type="checkbox"/>	Terminal Disclaimer	<input type="checkbox"/>
<input type="checkbox"/>	Request for Refund	<input checked="" type="checkbox"/>
<input type="checkbox"/>	CD, Number of CD(s) _____	<input type="checkbox"/>
Remarks		<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): -Copy of transmittal letter filed 6/28/04 showing surc -Executed Declaration

-Copy of transmittal letter
filed 6/28/04 showing surcharge paid
-Executed Declaration

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Kevin S. Lemack Niels & Lemack
Signature	
Date	September 7, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name		Kevin S. Lemack	
Signature			Date Sept. 7, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

642P003-US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

PCT/US03/00094

INTERNATIONAL FILING DATE

2 January 2003

PRIORITY DATE CLAIMED

4 January 2002

TITLE OF INVENTION

CSF PHYSIOLOGIC CONTROLLER

APPLICANT(S) FOR DO/EO/US

Sanford Reich and James E. Sluetz

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
 1. Copy of the International Search Report;
 2. Copy of Form PCT/IB/308; and
 3. Copy of Form PCT/IB/304.

PCT/US03/000

642P003-US

21. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482)
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO
and International Search Report not prepared by the EPO or JPO.....

\$1080.00

International preliminary examination fee (37 CFR 1.482) not paid to
USPTO but International Search Report prepared by the EPO or JPO

\$920.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO

\$770.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO
but all claims did not satisfy provisions of PCT Article 33(1)-(4)

\$730.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO
and all claims satisfied provisions of PCT Article 33(1)-(4)

\$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =**CALCULATIONS PTO USE ONLY**

\$ 730.00

Surcharge of **\$130.00** for furnishing the oath or declaration later than 30 months
from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	21 - 20 =	1	x \$18.00
Independent claims	3 - 3 =	0	x \$86.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00
TOTAL OF ABOVE CALCULATIONS =			\$ 878.00

\$ 18.00

\$ 0

\$ 0

\$ 878.00

☒ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above
are reduced by 1/2.

\$ 439.00

SUBTOTAL =

\$ 439.00

Processing fee of **\$130.00** for furnishing the English translation later than 30 months
from the earliest claimed priority date (37 CFR 1.492(f)).

\$ -

TOTAL NATIONAL FEE =

\$ 439.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$ -

TOTAL FEES ENCLOSED =

\$ 439.00

Amount to be
refunded: \$

charged: \$

a. ☒ A check in the amount of \$ 439.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
overpayment to Deposit Account No. 14-0930. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card
information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a)
or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Nields & Lemack
176 E. Main Street
Suite 7
Westboro, MA 01581

SIGNATURE

Kevin S. Lemack

NAME

32,579

REGISTRATION NUMBER